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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 HIGHER TASTE,

9 Plaintiff,

10 v.

11 CITY OF TACOMA,

12 Defendant.

CASE NO. C10-5252 BHS

ORDER REGARDING BRIEFING
ON ATTORNEY'S FEES

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14 This matter comes before the Court on the parties' joint status report regarding
15 briefing of the issue of attorney's fees (Dkt. 60). The Ninth Circuit's issued both an
16 opinion reversing and remanding this case on the issue of attorney's fees and its mandate
17 Dkts. 56 & 57. Additionally, the Ninth Circuit's issued an order transferring the
18 appellant's request for attorney's fees on appeal to this Court. Dkt. 58. In the Ninth
19 Circuit's order, it indicated that Defendants are to be afforded the opportunity to argue
20 that special circumstances preclude an award of attorney's fees. *Id.*

21 Accordingly, the Court issued an order asking the parties to submit a joint status
22 report indicating whether they intended to argue special circumstances and to suggest a

1 briefing schedule. Dkt. 59. The parties did so and agreed that there was no need for
2 argument regarding special circumstances, and the Plaintiff and Defendants took different
3 positions regarding the briefing schedule. Dkt. 60.

4 After considering each parties' position as to what the briefing schedule should
5 be, the Court finds that it would be of benefit to it if Defendants filed no more than a 5
6 page supplemental brief, summarizing the Plaintiff's calculations and their objections by
7 August 12, 2013, and Plaintiff filed a response to the Defendant's brief, not to exceed
8 five pages, by August 16, 2013. The Clerk will note the motion for attorney's fees for
9 August 16, 2013. Additionally, the parties are to furnish the Court with the moving and
10 opposition papers on attorney's fees filed with the Ninth Circuit.

11 It is so **ORDERED**.

12 Dated this 5th day of August, 2013.
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16 BENJAMIN H. SETTLE
17 United States District Judge
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